



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**PROBATE AND ADMINISTRATION CAUSE NO. 476 OF 2018**

**IN THE MATTER OF THE ESTATE OF KASTURBEN NATWARLAL SHAH – DECEASED**

**RULING**

1. The Application coming for consideration in this Ruling is the one dated 21.3.2019 seeking for orders that KAJAL SANJIT SHANTICAL SHAH be issued with grant of letters of Administration with Will annexed of Estate of the late KASTURBEN NATWARLAL SHAH (hereafter referred to as the Deceased).
2. The deceased died testate on 28.9.2017 leaving a Will dated 14.11.2009 in which she appointed her husband NATWARLAL LAKH AMSHI LALJI SHAH (DECEASED) as the sole Executor and beneficiary of the Will provided that he survives her for a period of 2 months.
3. The Sole Executor and beneficiary died on 28.3.2018 which was two months after the death of the deceased herein on 28.9.2017.
4. The Applicant is now seeking to be issued with the grant of probate in order to administer the property of the deceased. The Applicant is one of the three surviving children of the deceased.
5. I find that currently the estate of the deceased has no executor and I allow the Application dated 21.3.2019 as it is meritorious and it is therefore allowed in the following terms.

**(i) THAT KAJAL SANJIT SHANTILAL SHAH be and is hereby allowed to Petition for grant of Probate of the Estate.**

**(ii) THAT the other two beneficiaries namely KHILAN NATWARLAL SHAH and DEEPA DAVIES to give their Consent before confirmation of the said grant of probate.**

**(iii) THAT the costs of the Application to be in the Succession Cause.**

**DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 3<sup>RD</sup> DAY OF MAY, 2019**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI**